

governmental organizations, and others throughout the former Yugoslavia. In fact, the U.S. State Department spokesperson commented on March 14 of this year that: "There are a number of indicted war criminals who live in Croatia who have not been turned over to the War Crimes Tribunal. And there are certain individuals that we're watching very closely. We've told the Croatian government that we know who these people are. They've been named by the tribunal as indicted war criminals. We know where they live."

It has become clear that neither Serb authorities within Republika Srpska in Bosnia and Herzegovina nor Croat authorities in the Federation are meeting their obligations to hand over indicted war criminals—and that the United States is doing very little to force them to meet these obligations.

Regular reports about the whereabouts of several indicted war criminals indicate that many lead remarkably open lives. Last fall the Coalition for International Justice published a comprehensive report on the whereabouts, jobs, and everyday habits of 37 of the indicted war criminals. Earlier this year, Human Rights Watch/Helsinki issued a report documenting that many of the people running the towns, police forces and businesses of the Serbian portion of Bosnia are the same people who orchestrated the horrors of ethnic cleansing. In case you have not had the opportunity to see them, I have attached copies of both these reports.

The United States, unfortunately, must bear a large share of the blame for the fact that indicted war criminals remain at large in the former Yugoslavia.

In the letter to my office last October 10, you stated that "IFOR will detain indicted war criminals and hand them over to the International Tribunal if they are encountered by IFOR personnel during the normal course of their duties and the tactical situation permits." (This mandate regarding war criminals, I understand, has been subsequently extended to SFOR.) Even if we rule out some of the reported war criminal sightings as false, it defies credulity to suggest that so many people in the former Yugoslavia except for SFOR have had regular contact with indicted war criminals.

The SFOR rules of engagement regarding war criminals appear to be interpreted so narrowly that it seems that an indicted war criminal would, in effect, have to actively seek out and surrender to SFOR if SFOR troops were to arrest them.

Indicted war criminals must be arrested and brought to trial if the Tribunal is to have meaning as the ultimate international arbiter of guilt or innocence in the commission of war crimes. If indicted war criminals are not brought to justice, the international community will have betrayed both the legacy of Nuremberg and the victims of the war that tore Yugoslavia apart. This failure will also set a dangerous precedent that will give encouragement to others elsewhere in the world who may consider the use of rape and genocide as tools of war.

In addition, it is my firm belief that the continued presence of indicted war criminals in former Yugoslavia will set the stage for the renewal of violence, bloodshed, and civil war when SFOR departs next year. We will have sacrificed all the gains of the Dayton process because we will have chosen to compromise with war criminals.

I once again call upon you to take an aggressive stand to see that the indicted war criminals are brought to justice. Specifically, I encourage you to:

Examine the feasibility of the United States and SFOR taking a more active role to apprehend indicted war criminals still at large as well as cooperating more closely

with the United Nations, the International Civilian Police Task Force, and civilian authorities in the former Yugoslavia on this issue;

Investigate appropriate additional sanctions, which can be enforced either unilaterally or through the United Nations system for the Republika Srpska and Croatia, unless and until they cooperate fully with the Tribunal;

Explore the necessity of any additional U.S. assistance to the International War Crimes Tribunal for the former Yugoslavia; and,

Move quickly to implement the permanent international body with the power, authority, and resources to investigate, apprehend, and bring war criminals to trial that you spoke of earlier this year.

I would also appreciate your clarification of the SFOR rules of engagement for detaining war criminals.

Mr. President, you have been called upon to serve the United States at a time of great international change and uncertainty. Unless the United States takes a position of aggressive leadership on this issue in the international community, we run the risk that future historians will conclude that the lessons of current U.S. foreign policy are that crimes against humanity, genocide, and the use of rape as an instrument of war are acceptable—and that those who perpetrate these crimes can do so with impunity. Mr. President, I know that you share my belief that leaving such a legacy would be unacceptable.

I look forward to hearing your thoughts and plans on this very important matter.

Sincerely yours,

DIANNE FEINSTEIN,
U.S. Senator.

—
THE WHITE HOUSE,
Washington, June 19, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR DIANNE: Thank you for writing again regarding indicted war criminals in the former Yugoslavia. I continue to share your concerns. My foreign policy team is examining several options to assist and enhance the ability of the Tribunal to bring indicted war criminals into custody.

We are increasing pressure on the parties by linking multilateral and bilateral economic assistance to their compliance with their obligation under the Dayton Accords to turn over indicted war criminals. In addition, we have begun working with the UN and its International Police Task Force (IPTF) in Bosnia to improve the performance of the IPTF in identifying indictees and their whereabouts.

We continue to work closely with the Tribunal, especially the Office of the Chief Prosecutor, by providing a wide range of assistance, including legal and investigative support. The United States also provides the Tribunal intelligence and information pursuant to Section 555 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1997. On May 2 we contributed \$450,000 to the Tribunal's forensic exhumations program in the former Yugoslavia.

I have also nominated David Scheffer as Ambassador-at-Large for War Crimes Issues. If confirmed, Mr. Scheffer will coordinate our work in this area and focus on the tasks that are critical to the success of both the Yugoslav and Rwanda War Crimes Tribunals. Finally, knowing our mutual concern for this grave issue, I have asked Robert Gelbard, my Special Representative for Implementation of the Dayton Accords, to give you a confidential briefing as soon as possible on our specific plans to re-energize this

critical component of the Dayton peace process.

Thanks again for your letter and your continuing support for our efforts to bring peace and justice to the people of the Balkans.

Sincerely,

BILL.

CO-SPONSORSHIP OF SENATE CONCURRENT RESOLUTION 29

• Mr. ABRAHAM. Mr. President, I rise today to offer my support as a cosponsor to Senate Concurrent Resolution 29. This resolution recommends the integration of Estonia, Latvia and Lithuania into the North Atlantic Treaty Organization.

Ever since the disintegration of the Soviet Union, there has been talk of expanding NATO membership to include countries of Central Europe and the former Baltic Republics. These Baltic countries are continually striving to transform their political and economic institutions in accordance with democratic ideals and free market principles. We have seen remarkable achievements in this respect, from countries that have endured many years of communist occupation.

I believe that expanding NATO to include Latvia, Lithuania, and Estonia would benefit bi-lateral trade and investment through a stable security environment. Furthermore, these countries have made great strides in the areas of human rights, civil liberties and the rule of law, and have also actively participated in the Partnership for Peace. They should be rewarded for these efforts. Most importantly however, enlargement of NATO to include these Baltic States would secure a principal gain of the cold war by strengthening new free markets and democracies in the region.

Latvia, Lithuania and Estonia are all working very hard to satisfy the prerequisites of entry into NATO. As such, I am supportive of all efforts to integrate them in the membership of that organization as soon as the process permits.●

COSPONSORSHIP OF SENATE CONCURRENT RESOLUTION 19

• Mr. ABRAHAM. Mr. President, I rise today to offer my support as a cosponsor to Senate Concurrent Resolution 19. This resolution recommends the return of, or compensation for, foreign properties that were wrongly confiscated in formerly Communist countries and by certain foreign financial institutions.

I join my colleagues on the Helsinki Commission in calling for restitution to the many victims who have suffered property losses at the hands of Communist and Fascist dictatorships. These victims had their property confiscated solely because of their religion, national or social origin, or expression of opposition to the regimes in power. In fact, many churches, synagogues, and mosques were destroyed